

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE 1998

B E F O R E

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIAH

WRIT PETITION NO.17945/1991

BETWEEN:

Mohammad Ishaq, S/o late
Abdul Khadersab, major,
R/in Sy.No.36/1, G.K.V.K.
Post, Highway Main Road,
Alialsandra, Yelahanka Hobli,
Bangalore - 65.

... Petitioner.

(By Sri B.S.Krishna Murthy for Petr.)

AND:

1. The State of Karnataka,
by the Secretary to Govt.,
Revenue Dept., M.S.Building,
Bangalore - 1.
2. The Karnataka Housing Board,
by the Housing Commissioner,
Cauvery Bhavan, Bangalore - 9.
3. The Special Land Acquisition
Officer, Karnataka Housing
Board, Cauvery Bhavan,
Bangalore - 9.

... Respondents.

... 2/-

(By Sri M.B.Narayana for R-2 & R-3,
Sri K.Nagaraja, HCGP, for R-1.)

This Writ Petition filed under Articles 226 & 227 of the Constitution of India with an affidavit praying to: Quash Annexure-D and E dt. 6.4.89 and 25.3.91 bearing No.KHB LAQ.A.89-90 & Kam.E.310 LAQ Ban.90 issued by R2 & 1 respectively in so far as it relates to S.Nos.36/1, 36/3, 37/1 of Allalasanandra Village, Bangalore North & etc.

This Writ Petition coming on for hearing this day, the Court made the following:

O R D E R

bsr(c.t.)

r.by: P 30/3/98

c.by: V.

WP.17945/91

O R D E R

18-6-1998

The petitioner has challenged the notifications issued under Sec.4(1) and 6(1) of the Land Acquisition Act, in these petitions.

2. The Division Bench of this Court in WP.3539 to 3542 of 96 and other connected petitions, dated 15-6-1998, has held that the Karnataka Land Acquisition Act, 1961 was non-existent being impliedly repealed with the commencement of Central Act 1/1894 and further held that the Deputy Commissioner who issued the notification under sec.4(1) of the Act, subsequent to Central Act 1 of 1894 as amended by Act 68 of 1984 came into force is without authority of law.

3. In the case on hand also, the preliminary notification is dated 6-4-1989, that is, subsequent to the Central Amendment Act 68/1984 came into force. Following the said decision and for the reasons stated therein, this petition is allowed; the impugned notifications issued u/s.4(1) and 6(1) of the L.A. Act, are quashed insofar as the petitioner's lands are concerned. However, this order will not come in the way of the State Government to initiate fresh proceedings.

Sd/-
JUDGE

